

11 FEB 2008



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In re Application of :
PHILLIPS, et al. :
U.S. Application No.: 10/582,617 : DECISION ON RENEWED
PCT No.: PCT/AU04/01749 :
Int. Filing Date: 13 December 2004 : PETITION UNDER
Priority Date: 11 December 2003 :
Attorney Docket No.: 207,643 : 37 CFR 1.497(d)
For: HIGH IMPACT GATE :

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 29 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 August 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 29 January 2008, applicant responded with the present renewed petition accompanied by a petition for a three-month extension of time and payment of the appropriate extension of time fee. Therefore, applicant's renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 30 August 2007, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application...applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(h); and
- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items (1), (2) and (4). With the filing of the present renewed petition and supporting materials, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, the renewed petition under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 13 December 2004 and will be given a date of **23 July 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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